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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JAMES EDWARD CURTIS,

10 Plaintiff,

11 v.

12 TERRY J. BENDA, *et al.*,

13 Defendants.

Case No. C08-5109 FDB/KLS

ORDER GRANTING MOTION TO
EXTEND DEADLINES AND
AMENDMENT OF SCHEDULING
ORDER

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15 Before the Court is Plaintiff's motion for an extension of the discovery deadline. Dkt. # 35.
16 Defendant Riley objects to the extension. Dkt. # 37. Having considered the motion, amended
17 complaint, and balance of the record¹, the Court finds that the motion for extension of the discovery
18 deadline should be **GRANTED**. The Court further finds that the an amended Pretrial Scheduling
19 Order should be entered.

20 Accordingly, it is **ORDERED** as follows:

21 **DISCOVERY**

22 All discovery shall be completed by **October 1, 2009**. Service of responses to
23 interrogatories and to requests to produce, and the taking of depositions shall be completed by this
24 date. Federal Rule of Civil Procedure 33(b)(3) requires answers or objections to be served within

25 ¹Since Plaintiff requested an extension of the discovery deadline, the remaining defendant
26 entered his appearance and waived personal service (Dkt. # 38) and Plaintiff was granted leave to
27 amend his complaint (Dkt. # 44). These events also weigh in favor of an extension of the pretrial
28 deadlines.

1 **thirty (30) days** after service of the interrogatories. The serving party, therefore, must serve his/her
2 interrogatories at least **thirty (30) days** before the deadline in order to allow the other party time to
3 answer.

4 5 MOTIONS

6 Any dispositive motion shall be filed and served on or before **November 5, 2009**. The
7 motion shall include in its caption (immediately below the title of the motion) a designation of the
8 Friday upon which the motion is to be noted upon the court's calendar. That date shall be the fourth
9 Friday following filing of the dispositive motion. All briefs and affidavits in opposition to any
10 motion shall be filed and served not later than 4:30 p.m. on the Monday immediately preceding the
11 Friday appointed for consideration of the motion. If a party fails to file and serve timely opposition
12 to a motion, the court may deem any opposition to be without merit. The party making the motion
13 may file a reply to the opposing party's briefs and affidavits, which also shall be filed and served
14 pursuant to the requirements of Fed. R. Civ. P. 7 and Local Rule CR 7.

15 If a motion for summary judgment is filed, it is important for the opposing party to note the
16 following:

17 A motion for summary judgment under Rule 56 of the Federal Rules of Civil
18 Procedure will, if granted, end your case.

19 Rule 56 tells you what you must do in order to oppose a motion for summary
20 judgment. Generally, summary judgment must be granted when there is no genuine
21 issue of material fact -- that is, if there is no real dispute about any fact that would
22 affect the result of your case, the party who asked for summary judgment is entitled
23 to judgment as a matter of law, which will end your case. When a party you are
24 suing makes a motion for summary judgment that is properly supported by
25 declarations (or other sworn testimony), you cannot simply rely on what your
26 complaint says. Instead, **you must set out specific facts in declarations,
deposition, answers to interrogatories, or authenticated documents, as provided
in Rule 56(e), that contradict the facts shown in the defendant's declarations
and documents and show that there is a genuine issue of material fact for trial.
If you do not submit your own evidence in opposition, summary judgment , if
appropriate, may be entered against you. If summary judgment is granted,
your case will be dismissed and there will be no trial.**

26 *Rand v. Rowland*, 154 F.3d 952, 962-963 (9th Cir. 1998) (emphasis added). Furthermore, Local
27 Rule CR 7(b)(4) states that a party's failure to file necessary documents in opposition to a motion

1 for summary judgment may be deemed by the court to be an admission that the opposition is
2 without merit.

3 **JOINT STATUS REPORT**

4 Counsel and *pro se* parties are directed to confer and provide the court with a joint status
5 report by no later than **December 20, 2009**. The joint status report shall contain the following
6 information by corresponding paragraph numbers:

7 1. A short and concise statement of the case, including the remaining legal and factual
8 issues to be determined at trial;

9 2. A narrative written statement from each party setting forth the facts that will be offered
10 by oral or written documentary evidence at trial;

11 3. A list of all exhibits to be offered into evidence at trial;

12 4. A list of the names and addresses of all the witnesses each party intends to call along
13 with a short summary of anticipated testimony of each witness.

14 5. Whether the parties agree to arbitration or mediation under this district's arbitration
15 program, and if so whether the arbitration will be final and conclusive or the right to trial de novo
16 will be preserved (see Local Rule CR 39.1(d));

17 6. Whether the case should be bifurcated by trying the liability issues before the damages
18 issues, or specially managed in any other way;

19 7. Any other suggestions for shortening or simplifying the trial in this case;

20 8. The date the case will be ready for trial, considering Local Rule CR 16 deadlines;

21 9. The dates on which trial counsel are unavailable and any other complications to be
22 considered in setting a trial date;

23 10. Whether the trial will be by jury or non-jury;

24 11. The number of trial days required, and suggestions for shortening trial;

25 12. The names, addresses, and telephone numbers of all trial counsel and unrepresented
26 (*pro se*) parties who intend to appear at trial.

27 If the parties are unable to agree on any part of the report, they may answer in separate

1 paragraphs. **Separate reports are not to be filed.** Plaintiff's counsel (or plaintiff, if *pro se*) will be
2 responsible for initiating communications for the preparation of the joint status report.

3 **PROOF OF SERVICE & SANCTIONS**

4 All motions, pretrial statements and other filings shall be accompanied by proof that such
5 documents have been served upon counsel for the opposing party (or upon any party acting *pro se*).
6 The proof shall show the day and manner of service and may be by written acknowledgment of
7 service, by certificate of a member of the bar of this court, by affidavit of the person who served the
8 papers, or by any other proof satisfactory to the court. Such proof of service shall accompany both
9 the original and duplicates filed with the Clerk. Failure to comply with the provisions of this Order
10 can result in dismissal/default judgment or other appropriate sanctions.

11 The Clerk of Court is directed to send a copy of this Order to Plaintiff and to counsel for
12 Defendants.

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14 DATED this 24th day of April, 2009.

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17 Karen L. Strombom
18 United States Magistrate Judge
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